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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 ROBERT H. ODELL, JR., *et al.*,

12)
13)
14 Plaintiffs,)
15)

16 v.)

Case No. 2:15-cv-1793-RFB-GWF

17 ERIC D. HARGAN, ACTING SECRETARY OF)
18 HEALTH AND HUMAN SERVICES, *et al.*,)
19)

20 Defendants.)
21)
22)
23)
24)
25)
26)

27 **STIPULATION FOR EXTENSION OF TIME TO FILE MOTION**
28 **AND PROPOSED BRIEFING SCHEDULE**
29 **(Third Request)**

30 Defendants Eric D. Hargan, Acting Secretary of Health and Human Services, (the "Secretary")
31 and U.S. Department of Health and Human Services ("HHS"), by and through undersigned counsel,
32 respectfully move pursuant to Fed. R. Civ. P. 6(b)(1), for a revised briefing schedule and an enlargement
33 of time, up to and including February 16, 2018, to file dispositive motions. Plaintiffs, through counsel,
34 consent to this request. Defendants make this request for the following reasons:

1 1. On August 18, 2017, the Court entered a scheduling order directing that discovery close on
2 November 20, 2017, and dispositive motions be filed by December 8, 2017. ECF 88.

3 2. The disruption caused by Hurricane Irma resulted in the parties filing a joint motion to extend
4 the deadlines, ECF 90, which the Court granted. ECF 95.

5 3. Plaintiffs' counsel had a health emergency that required a second joint request for an
6 extension of the discovery period and scheduling order, ECF 98, which the Court has not ruled upon.

7 4. The parties completed discovery on January 5, 2018. On that date, Plaintiffs deposed three
8 HHS witnesses from the Centers for Medicare & Medicaid Services. Defendants did not waive reading
9 and signing of those depositions and the depositions have not been transcribed as of the filing of this
10 motion.
11

12 5. Defendants seek to review the deposition transcripts for possible citation in Defendants'
13 dispositive motion.

14 6. The current scheduling order requires filing dispositive motions by January 26, 2018.

15 7. The current scheduling order provides insufficient time to adequately prepare dispositive
16 motions, including the possible inclusion of citation to the deposition transcripts in any motions.
17

18 8. Defendants respectfully request that the Court grant their request to extend all deadlines as
19 jointly proposed in the December 12, 2017 Joint Request. ECF 98.

20 9. The Parties stipulate and propose the following briefing schedule:

21 Dispositive Motions due February 16, 2018.

22 Responses due March 9, 2018.

23 Replies due March 30, 2018.
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25 10. This request is made in good faith and not for purposes of delay.

26 11. There are no other previously other previously scheduled deadlines in this case.

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IT IS SO ORDERED:

IT IS FURTHER ORDERED that
[98]Joint MOTION to Extend Time (Second
Request) re Scheduling Deadlines is denied
as moot.



RICHARD F. BOULWARE, II
United States District Judge

DATED: January 22, 2018

Dated: January 19, 2018

DAYLE ELIESON
United States Attorney

/s/ Roger W. Wenthe
ROGER W. WENTHE
Assistant United States Attorney

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/s/ Roger W. Wenthe

 ROGER W. WENTHE
 Assistant United States Attorney